

**UNITED STATES DISTRICT COURT p
EASTERN DISTRICT OF NEW YORK**

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SVETLANA SHKOLNIKOVA,

Plaintiff,

Civil Action No.
18-CV-6400

v.

LOUIS DEJOY, POSTMASTER GENERAL,

**(Brodie, J.)
(Tiscione, M.J.)**

Defendant.

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DECLARATION OF DORINA CELA, ESQ.

DORINA CELA, ESQ., declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am an attorney licensed by the State of New York and admitted to practice in the United States District Court of the Eastern District of New York.
2. I am an attorney with the firm of Phillips & Associates, Attorneys at Law, PLLC, counsel for Plaintiff Svetlana Shkolnikova in the above-titled action. As such, I am fully familiar with the facts and circumstances contained herein.
3. I submit this declaration in opposition to Defendant's Motion for Summary Judgment.
4. Attached hereto as Exhibits in support of Plaintiff's opposition to Defendant's Motion are the following:
 - Exhibit 1 – A true and accurate copy of an excerpt of the transcript of Plaintiff Svetlana Shkolnikova's deposition, dated September 25, 2020;

- Exhibit 2 – A true and accurate copy of a job description for the City Carrier Assistant 2 position with the United States Postal Service, bates-stamped USPS 200-USPS 202, produced during discovery in this action;
- Exhibit 3 – A true and accurate copy of a USPS EEO investigative affidavit of Plaintiff Svetlana Shkolnikova dated July 20, 2016, bates-stamped USPS 0082-0111, produced during discovery in this action;
- Exhibit 4 – A true and accurate copy of an excerpted transcript of the deposition of Adela Livingston, dated December 16, 2016;
- Exhibit 5 – A true and accurate copy of USPS Handbook EL-307, “Reasonable Accommodation, an Interactive Process” bates-stamped USPS 0283-USPS 0297, produced during discovery in this action;
- Exhibit 6 – A true and accurate copy of an excerpt of the transcript of Te’Nagh Bryant’s deposition, dated December 10, 2020, produced during discovery in this action;
- Exhibit 7 – A true and accurate copy of an email chain between Adela Livingston, Te’Nagh Bryant, Anthony Impronto, Matthew Doxsey, and David Rudy, dated February 23, 2016, bates-stamped USPS 0916, produced during discovery in this action;
- Exhibit 8 – A true and accurate copy of a note from Plaintiff Svetlana Shkolnikova’s OB-GYN, Dr. Saul Stromer, dated February 29, 2016, bates-stamped USPS 100, produced during discovery in this action;
- Exhibit 9 – A true and accurate copy of an email chain between Adela Livingston, Anthony Impronto, David Rudy, and Te’Nagh Bryant dated March 17, 2016, bates-stamped USPS 0560, produced during discovery in this action;

- Exhibit 10 – A true and accurate copy of an investigative affidavit of Adela Livingston dated August 8, 2016, bate-stamped USPS 0112-USPS 0133, produced during discovery in this action;
- Exhibit 11 – A true and accurate copy of a USPS EEO investigative affidavit of Steven Smerling dated August 1, 2016 bate-stamped USPS 0134-USPS 0147, produced during discovery in this action;
- Exhibit 12 – A true and accurate copy of a decision letter, dated April 14, 2016, from USPS's District Reasonable Accommodation Committee pertaining to Plaintiff Svetlana Shkolnikova request for accommodation, bate-stamped USPS 0042-USPS 0044, produced during discovery in this action;
- Exhibit 13 – A true and accurate copy of a note from Plaintiff Svetlana Shkolnikova's primary care physician, Dr. Miron Fayngersh, and his physician's assistant, Semyon Elyash, dated March 7, 2016, bate-stamped USPS 0406, produced during discovery in this action;
- Exhibit 14 – A true and accurate copy of a letter by Defendant to Plaintiff Svetlana Shkolnikova regarding the termination of her employment, dated June 2, 2016, bate-stamped USPS 0215-USPS 0216, produced during discovery in this action;
- Exhibit 15 – A true and accurate copy of the USPS EEO "Final Agency Decision" dated August 14, 2018 pertaining to Plaintiff Svetlana Shkolnikova, bate-stamped USPS 0318-USPS 0341, produced during discovery in this action;
- Exhibit 16 – A true and accurate copy of time sheets for Plaintiff Svetlana Shkolnikova's period of employment with USPS, bate-stamped USPS 0366-USPS 0383, produced during discovery in this action;

- Exhibit 17 – A true and accurate copy of a USPS EEO investigative affidavit of Isaac Middleton dated August 6, 2016, bate-stamped USPS 0148-USPS 0161, produced during discovery in this action;
- Exhibit 18 – A true and accurate copy of a note from Plaintiff Svetlana Shkolnikova’s OB-GYN, Dr. Saul Stromer, dated February 18, 2016; bate-stamped USPS 0410, produced during discovery in this action;
- Exhibit 19 – A true and accurate copy of a note from Plaintiff Svetlana Shkolnikova’s OB-GYN, Dr. Saul Stromer, dated February 24, 2016, bate-stamped USPS 0099, produced during discovery in this action;
- Exhibit 20 – A true and accurate copy of Plaintiff Svetlana Shkolnikova’s “Information for Pre-Complaint Counseling” form dated March 10, 2016, bate-stamped USPS 0036 - USPS 0037, USPS 0039, produced during discovery in this action;
- Exhibit 21 – A true and accurate copy of a letter from USPS EEO ADR Specialist Darrell K. Ahmed, dated June 3, 2016, bate-stamped USPS 0045-USPS 0048, produced during discovery in this action;
- Exhibit 22 – A true and accurate copy of an email chain between Te’Nagh Bryant, Anthony Impronto, and Adela Livingston, dated March 23, 2016, bate-stamped USPS 0562-USPS 0563, produced during discovery in this action;
- Exhibit 23 – A true and accurate copy of a USPS EEO investigative affidavit of Te’Nagh Bryant, dated August 1, 2016, bate-stamped USPS 0162-USPS 0181, produced during discovery in this action;

- Exhibit 24 – A true and accurate copy of an email from Te’Nagh Bryant to Adela Livingston, dated June 2, 2016 containing a draft termination letter for Plaintiff Svetlana Shkolnikova, bate-stamped USPS 1165-USPS 1168, produced during discovery in this action;
- Exhibit 25 – A true and accurate copy of an email from Steven Smerling to Darrell K. Ahmed, dated June 21, 2016, bate-stamped USPS 0588, produced during discovery in this action;
- Exhibit 26 – A true and accurate copy of Plaintiff Svetlana Shkolnikova’s formal EEO complaint of discrimination and retaliation to USPS, dated June 17, 2016, bate-stamped USPS 0011– USPS 0019 produced during discovery in this action;
- Exhibit 27 – A true and accurate copy of an “Acceptance for Investigation” letter sent by USPS to Plaintiff Svetlana Shkolnikova, dated June 30, 2016, bate-stamped USPS 0050 – USPS 0053, USPS 0032 – USPS 0035, produced during discovery in this action;
- Exhibit 28 – A true and accurate copy of a USPS EEO Investigation Report compiled by investigator Linda Ruggiero and dated August 31, 2016, bate-stamped USPS 0050 –USPS 0053, produced during discovery in this action;
- Exhibit 29 – A true and accurate copy of the employment records of a female, pregnant USPS City Carrier Assistant who was employed at the St. Mariners Harbor Carrier Annex in Staten Island, New York, bate-stamped USPS 0219-USPS 0220, produced during discovery in this action;
- Exhibit 30 – A true and accurate copy of employment records of a female, pregnant USPS Mail Handler Assistant who was employed at Homecrest Station in Brooklyn, New York, bate-stamped USPS 0239 – USPS 0243, produced during discovery in this action;

- Exhibit 31 – A true and accurate copy of employment records of a female, pregnant USPS City Carrier Assistant who was employed at Homecrest Station in Brooklyn, New York, bate-stamped, USPS 0244-USPS 0248, produced during discovery in this action;
- Exhibit 32 – A true and accurate copy of documents certifying Plaintiff Svetlana Shkolnikova's completion of USPS employment trainings, bate-stamped USPS 0205-USPS 0209 produced during discovery in this action;
- Exhibit 33 – A true and accurate copy of an email from Adela Livingston to multiple Homecrest Station employees dated March 21, 2016, bate-stamped USPS 0353, produced during discovery in this action;
- Exhibit 34 – A true and accurate copy of a USPS EEO Dispute Resolution Specialist's Inquiry Report by Darrell K. Ahmed, bate-stamped USPS 0032-USPS 0039, produced during discovery in this action;
- Exhibit 35 – A true and accurate copy of an email chain between Te'Nagh Bryant, Anthony Impronto, and Adela Livingston dated March 22, 2016-March 24, 2016, bate-stamped USPS 0570-USPS 0574, produced during discovery in this action.

I declare that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: New York, NY
July 1, 2021

Respectfully submitted,

/s/Dorina Cela

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To: Paulina Stamatelos, Esq. (*via Email and USAfx*)